

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

NORIS ROGERS

Plaintiff,

v.

**UNITED STATES FIRE INSURANCE
COMPANY**

Defendant

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Civil Action No. 4:17-cv-2361

**DEFENDANT UNITED STATES FIRE INSURANCE COMPANY'S
NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant United States Fire Insurance Company ("U.S. Fire") files this Notice of Removal and respectfully shows the Court as follows:

PROCEDURAL BACKGROUND

1. On June 27, 2017, Plaintiff Noris Rogers ("Plaintiff") filed his Original Petition in the matter styled *Noris Rogers v. United States Fire Insurance Company*; Cause No. 17-DCV-242902; In the 400th Judicial District Court, Fort Bend County, Texas ("State Action"), in which Plaintiff asserts claims for benefits unpaid under an insurance policy, breach of contract, and violation of the Texas Insurance Code based upon U.S. Fire's alleged failure to pay additional medical benefits under an Accident Only Policy.

BASIS FOR REMOVAL

2. Removal is proper under 28 U.S.C. §§§ 1332(a)(1), 1441(a), and 1446. There is complete diversity of citizenship and the amount in controversy is above the required limit.

3. Plaintiff is a citizen of the State of Texas.

4. Defendant U.S. Fire is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Morristown, New Jersey.

5. In Plaintiff's Original Petition and Request for Disclosure and First Request for Production of Documents ("Original Petition"), Plaintiff alleges, in paragraph 20, that "Past due benefits are due to the Plaintiff under the terms of the insurance contract/policy in the amount of \$10,802.80, which represents the amount of medical costs the Defendant denied." Plaintiff further alleges in paragraph 21 of his Original Petition that "Benefits for future medical costs are due to the Plaintiff under the terms of the insurance contract/policy in an amount up to \$77,670.00." Plaintiff therefore seeks at least \$88,472.80 in damages.

6. Plaintiff also seeks to recover statutory penalties pursuant to Chapter 542 of the Texas Insurance Code, as well as damages for past and future pain and suffering, past and future mental anguish, and exemplary damages.

7. Accordingly, the amount in controversy exceeds the threshold for the jurisdictional removal requirement of \$75,000, exclusive of interest and costs, required by 28 U.S.C. §§ 1332(a).

REMOVAL IS PROCEDURALLY CORRECT

8. Plaintiff served U.S. Fire with a copy of Plaintiff's Original Petition and the citation on July 6, 2017. U.S. Fire files this Notice of Removal within the thirty-day time period required by 28 U.S.C. § 1446(b).

9. Venue is proper in this district and division under 28 U.S.C. § 1446(a) because this district and division include county in which the State Action has been pending, and because

a substantial part of the events giving rise to the Plaintiff's claims allegedly occurred in this district and division.

10. Pursuant to 28 U.S.C. § 1446(a), all pleadings, process, orders, and all other filings in the State Action are attached to this Notice.

11. Pursuant to 28 U.S.C. § 1446(d), promptly after U.S. Fire files this Notice, written notice of the filing will be given to the Plaintiff, the adverse party.

12. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of Fort Bend County, promptly after U.S. Fire files this Notice.

CONCLUSION

13. Based upon the foregoing and the other documents filed contemporaneously with this Notice, all fully incorporated herein by reference, Defendant United States Fire Insurance Company hereby removes this case to this Court for trial and determination.

Respectfully submitted,

**THOMPSON, COE, COUSINS & IRONS,
L.L.P.**

By: /s/ Christina A. Culver
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**COUNSEL FOR DEFENDANT
UNITED STATES FIRE INSURANCE
COMPANY**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this, the ____ day of August, 2017, a true and correct copy of the foregoing document was duly served on all known counsel of record via electronic transmission, pursuant to Texas Rules of Civil Procedure and applicable Local Rules, as follows:

Noris Rogers
14506 Berrington Drive
Houston, Texas 77083
Via Certified Mail and
Via Email: norisrogers@sbcglobal.net

/s/ Christina A. Culver
CHRISTINA A. CULVER